REMARKS

Applicant is in receipt of the Office Action mailed October 2, 2007. Claims 1-31 have been canceled, and new claims 32-53 have been added. Reconsideration of the case is earnestly requested in light of the following remarks.

Section 101 Rejections

Claims 21-26 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. The cancellation of claims 21-26 renders this rejection moot.

Section 102 Rejections

Claims 1-12 and 21-26 were rejected under 35 U.S.C. 102(b) as being anticipated by Jain et al., U.S. Patent No. 5,806,075 (hereinafter "Jain"). The cancellation of claims 1-12 and 21-26 renders this rejection moot. Applicant respectfully submits that Jain does not teach the subject matter recited in the new claims 32-50.

For example, independent claim 32 recites in pertinent part:

> a first node of the plurality of nodes initiating communication with each of the remaining nodes of the plurality of nodes to attempt to synchronously update the plurality of replicas of the object, wherein the communication is successful for each node of a first subset of the remaining nodes and unsuccessful for each node of a second subset of the remaining nodes;

Jain does not teach this limitation in combination with the other limitations recited in claim 32. Jain relates generally to a system in which duplicate copies of a database are stored on different computer systems. (See FIG. 1; Col. 5, lines 24-25). Jain teaches that a change is made to one of the copies of the database, and the change is subsequently propagated to the remote copies of the database. (See Col. 6, lines 29-36). Jain does not teach a first node of the plurality of nodes initiating communication with each of the remaining nodes of the plurality of nodes to attempt to synchronously update the plurality of replicas of the object. Instead, Jain teaches that the database copies are updated asynchronously with respect to each other. (See Col. 3, lines 55-58; Col. 10, lines 31-43). As noted above, a change is made to a first copy of the database, and the change is subsequently and asynchronously propagated to remote copies of the database. Jain

does not teach that any attempt is made to update the remote copies of the database synchronously with the first copy of the database or synchronously with each other.

Claim 32 also recites, "for each respective node of the first subset of the remaining nodes...the respective node adding an identification of the object to a respective list of incoherent objects stored on the respective node".

Applicant first notes that Jain does not teach the recited "first subset of the remaining nodes".

Applicant secondly notes that claim 32 recites that each respective node of the first subset of the remaining nodes adds an identification of the object to a respective list of incoherent objects stored on the respective node. Claim 1 (now canceled) recited the limitations of, "wherein for each node on which one of the replicas was updated in the update operation, the node is operable to add the object to a list of incoherent objects." With respect to these limitations, the Examiner cited Jain's teaching of storing table information indicating the change that needs to be performed on the remote database copies. However, Jain teaches that the table information is stored in the local database copy where the change is first applied and that the table information is used to asynchronously propagate the change to the other copies of the database. (See Col. 7, lines 4-7 and 37-38). Jain does not teach that the table information is stored on each respective node of the first subset of the remaining nodes.

Furthermore, claim 32 recites that each respective node of the first subset of the remaining nodes adds the identification of the object to the respective list of incoherent objects stored on the respective node **in response to** the communication being unsuccessful for the second subset of the remaining nodes. Jain does not teach the claim limitations of the first node initiating communication with each of the remaining nodes, wherein the communication is unsuccessful for each node of a second subset of the remaining nodes. Therefore, Jain also does not, and cannot, teach that each respective node of the first subset of the remaining nodes adds the identification of the object to the respective list of incoherent objects stored on the respective node in response to the communication being unsuccessful for the second subset of the remaining nodes.

Applicant thus respectfully submits that claim 32 is patentably distinct over Jain for at least the reasons set forth above. Inasmuch as the other independent claims 45 and 48 recite similar limitations as claim 32, Applicant respectfully submits that these claims are also patentably distinct over Jain.

Since the independent claims are patentably distinct over Jain, the dependent claims are also patentably distinct for at least this reason. Applicant also submits that numerous ones of the dependent claims recite further distinctions over Jain. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

In light of the foregoing amendments and remarks, Applicant submits that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505\5760-19000.

Respectfully submitted,

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